

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Tyrick Gerrard Bright,)	
)	
Plaintiff,)	Civil Action No. 5:16-946-TMC
)	
vs.)	ORDER
)	
Joshua Soles, Wiley McElveen, and)	
Lucia Croker,)	
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's complaint be dismissed without prejudice. (ECF No. 10). Plaintiff was advised of his right to file objections to the Report. (ECF No. 10 at 6). Plaintiff, however, filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 10) and incorporates it herein. It is therefore **ORDERED** that Plaintiff's complaint is **DISMISSED** without prejudice.¹

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

May 23, 2016
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ The court acknowledges receiving a letter from Plaintiff on May 2, 2016, (ECF No. 12), requesting information about his claim and stating that he has received no correspondence from the court since filing his action. The Clerk of Court mailed the Report to Plaintiff on April 26, 2016, along with an order directing Plaintiff to notify the Clerk in writing of any change of address. (ECF No. 11). The Report and order were mailed to: Tyrick Gerrard Bright, #272194, Tuberville Correctional Institution, PO Box 252, Tuberville, SC 29162, which is the same address found on the envelopes carrying Plaintiff's complaint and letter. (ECF Nos. 1-2 at 1; 12-1 at 1). The mailroom at Tuberville Correctional Institution received Plaintiff's letter on April 29, 2016. (ECF NO. 12-1 at 1). Accordingly, the record indicates that Plaintiff likely received a copy of the Report after depositing his letter in the prison mailroom.